

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26357 of 2006

20.12.2006

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Between:

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Ponnavoyanna Kistaiah.

...Petitioner

and

The District Registrar, Stamps and Registrations, Ranga Reddy
District, Hyderabad and another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26357 of 2006

ORDER:

The petitioner and his two brothers succeeded to the property admeasuring Acs.2.00 in survey No.572 situated at Nutankal Village of Medchal Mandal in Ranga Reddy District. He stays in Hyderabad. He alleges that his elder brother's family is trying to dispose of the property claiming absolute ownership. Therefore, he seeks a writ of *Mandamus* to the respondents, namely, District Registrar, Stamps and Registrations, Ranga Reddy District and Sub-Registrar, Medchal, not to entertain any registrations of the subject land.

After hearing learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that such a direction as prayed cannot be granted. In **Property Association of Baptist Churches v. Sub-Registrar, Jangaon**^[1], this Court considered this question. After referring to the provisions of Part-XI of the Registration Act, 1908, as well as Rule 58 of the Andhra Pradesh Rules under the Registration Act, 1908, this Court observed as under.

A reading of the above provisions would show that the power of the registering officer is limited to enquire into the validity of the document brought to him for registration or to enquiry into any written or verbal protest against the registration of a document based on the ground that the executing party has no right to execute the document. The limited power of the registering officer to enquire into objections that the executing party had no right to execute document get extinguished the moment the document is registered. No such power inheres in the registering officer or

the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act 1963 (Act 36 of 1963). The Writ Petition is not a proper remedy.

Therefore, this Writ Petition cannot be maintained. However, liberty is given to the petitioner to approach the respondents raising all objections in accordance with law.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

(V.V.S RAO, J)

20.12.2006
GJ

[\[1\]](#) 2004 (1) ALT 174